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## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: )  
Roman, et al. )  
Serial No.: 09/904,350 ) Art Unit: To Be Assigned  
Filed: Herewith ) Examiner: To Be Assigned  
For: PATIENT QUALIFYING AND ) 50320-1080  
SELECTION PROCESS )

PETITION TO ACCEPT DRAWINGS AND ACCORD FILING DATE

Assistant Commissioner for Patents  
Box: Patent Application  
Washington, DC 20231

RECEIVED

DEC 13 2001

Dear Sir:

OFFICE OF PETITIONS

In response to the Notice of Incomplete Nonprovisional Application dated  
August 30, 2001, the Applicant responds as follows:

Applicant hereby submits a copy of the drawings which were included with the  
originally filed Application. The Return Postcard and the Certificate of Express Mail  
both list 9 pages of drawings as being enclosed with the Application. No notations were  
made on the Return Postcard to indicate the drawings were not received. A copy of the  
Return Postcard and the Certificate of Express Mail are both enclosed. A check in the  
amount of \$130.00 is also enclosed for the Petition Fee.

Applicant hereby requests that the Drawings be accepted as filed with the  
Application and the Filing Date of July 12, 2001 be accorded as the correct filing date.

09/13/2001 BSAYAS11 00000113 09904350

01 FC:122 130.00 DP

Adjustment date: 01/24/2002 AKELLEY  
09/13/2001 BSAYAS11 00000113-09904350  
01 FC:122 -130.00 DP  
Repln. Ref: 01/24/2002 AKELLEY 0013423000  
DAH:200778 Name/Number:09904350  
FC: 704 \$130.00 CR

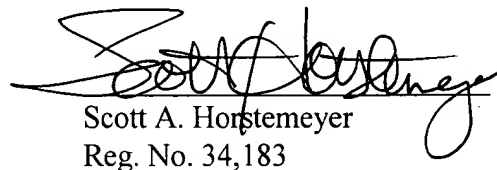
I hereby certify that this correspondence is  
being deposited with the United States  
Postal Service as first class mail, postage  
prepaid, in an envelope addressed to:  
Assistant Commissioner for Patents,  
Washington D.C. 20231, on Sept. 5, 2001.

Signature

Applicant requests that the requirement to submit a newly executed oath or declaration be waived as the inventors in this case reviewed the Application and drawings prior to executing the declaration that was filed with the original Application on July 12, 2001.

Applicant also requests that the Petition fee of \$130.00 be refunded as the Drawings were enclosed in the original Application package and the Filing Date of July 12, 2001 should have been accorded.

Respectfully submitted by,



Scott A. Horstemeyer  
Reg. No. 34,183

**THOMAS, KAYDEN, HORSTEMEYER,  
& RISLEY, L.L.P.**  
100 Galleria Parkway  
Suite 1750  
Atlanta, Georgia 30339-5948  
(770) 933-9500

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Roman, et al.

For: PATIENT QUALIFYING AND SELECTION PROCESS

**CERTIFICATE OF EXPRESS MAIL**

Assistant Commissioner for Patents  
BOX: Patent Application  
Washington, D.C. 20231

Sir:

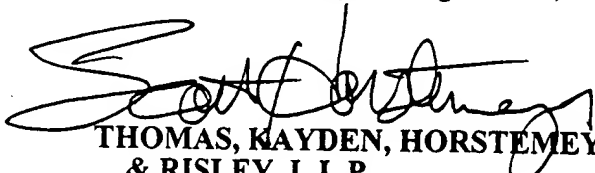
Enclosed for filing in the above case are the following documents:

Return Postcard  
Utility Patent Application Transmittal Page  
Fee Transmittal Page  
Utility Patent Application Consisting Of:  
21 Pages of Specification  
9 Pages of Claims  
1 Pages of Abstract  
9 Pages of Formal Drawings  
Declaration  
Assignment  
Recordation Cover Sheet  
Check in the amount of \$1,222.00

Further, the Commissioner is authorized to charge Deposit Account No. 20-0778 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 20-0778.

Respectfully submitted,

Scott A. Horstemeyer; Reg. No. 34,183

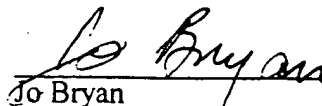
  
**THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.**  
100 Galleria Parkway, N.W.  
Suite 1750  
Atlanta, Georgia 30339-5948

Our Docket No: **50320-1080**

I hereby certify that all correspondences listed above are being deposited for delivery to the above addressee, with the United States Postal Service **"EXPRESS MAIL POST OFFICE TO ADDRESSEE"** service under 37 CFR §1.10 on the date indicated below:

The envelope has been given U.S. Postal Service "Express Mail Post Office To Addressee" Package # **EL 797947187 US.**

Date: July 12, 2001

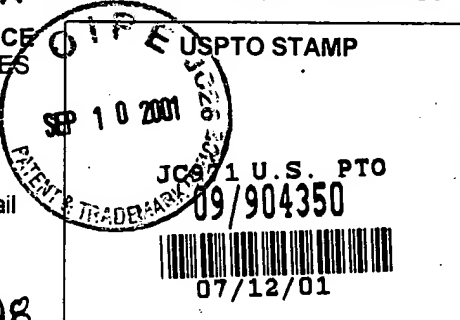
  
Jo Bryan

Filed/Date Mailed: July 12, 2001 EM#: EL 199947187 US  
Applicant: Roman, et al  
Docket #: 050320-1080 Parent Applic.:  
Title: Patient Qualifying and Selection Process

PATENT AND TRADEMARK OFFICE  
STAMP HEREON ACKNOWLEDGES  
RECEIPT OF THE BELOW  
IDENTIFIED APPLICATION AND  
PAPERS:

Cert. of Mailing: ☐ Regular US Mail  
☒ Express Mail

Fees: ☒ \$ 1222.00  
Pymt ☒ Check  
Form ☐ Dep. Acct: 20-078  
☐ Credit Card Paym't Form



- ☒ Fee Transmittal Page
- ☐ CPA (Rule 37 CFR 1.53(d))
- ☐ Continuation ☐ Divisional
- ☐ Preliminary Amendment
- ☐ New Power of Attorney
- ☐ PTO-1449, IDS
- ☐ Copies of IDS Citations ( )
- ☐ Small Entity Statement
- ☐ Extension of Time
- ☐ RCE (Rule 37 CFR 1.114)
- ☐ Amendment
- ☐ Extension of Time
- ☐ Affidavit/Declaration
- ☐ IDS, Form 1449, Prior Art ( )
- ☐ Provisional Applic. Trx. Page
- ☐ Pgs. Specification & Dwgs.
- ☐ Pgs. Specification
- ☐ Pgs. Drawings
- ☐ Small Entity Statement(s)
- ☐ Initial Information Data Sheet
- ☒ Utility Applic. (Rule 1.53(b))
- ☒ Original ☐ Continuation
- ☐ Divisional ☐ C-I-P
- ☒ Utility Application Trx. Pg.
- ☒ Pages Specification
- ☒ Pages of Claims
- ☒ Page of Abstract
- ☒ Pages of Drawings
- ☒ Formal ☐ Informal
- ☒ Declaration/Power Attorney
- ☒ Original ☐ Copy
- ☐ Exec. ☐ Unexec.
- ☐ Preliminary Amendment
- ☐ Small Entity Statement(s)
- ☐ IDS/Form 1449
- ☐ Cited Prior Art
- ☐ Certified Copy Priority Doc.
- ☒ Assignment/Cover Sheet
- ☐ Design Application Transmittal
- ☐ Pages Spec/Claim/Decl.
- ☐ Pages Drawings
- ☐ Formal ☐ Informal

☐ Other: \_\_\_\_\_

Person Mailing: JB

Responsible Atty: SAH